

d) REMARKS

The claims are 1-5 and 11-35 with claims 1-5 and 21-35 being independent. Claims 6-10 have been cancelled without prejudice or disclaimer of subject matter. The claims have been amended to resolve informalities unrelated to patentability and to better define the intended invention. Reconsideration of the claims is expressly requested.

The Examiner objected to the drawings and the specification on the grounds that the reference characters 11 and 12 in Fig. 4 are not mentioned in the specification and that reference signs 21 and 22 on page 56 are not mentioned in the drawings. To resolve this issue, page 56, lines 25 and 25 have been amended to correct a typographical error. Reference signs 21 and 22 have been replaced with reference signs 11 and 12 found in Fig. 4. Accordingly, the objection having met, should be removed.

Claims 1-30 were rejected under Rule 112, second paragraph, as being indefinite on the ground that it was unclear whether the term “kinds” refers to species of charge transporting compound or property. The term “kind” refers to a species of charge transporting compound. Accordingly, the claims have been amended to clarify that the photosensitive layer contains at least one charge transporting material and at least one of the charge transporting material is a specified material.

Claims 1-30 were also rejected under 35 U.S.C. §112, first and second paragraphs, on the ground that a conductive support should be recited. Without necessarily agreeing or disagreeing and solely to expedite prosecution, the claims have been amended to provide for the presence of a conductive support as disclosed on page 44, lines 13-15.

Claims 1-5 and 11-30 were rejected as either anticipated and as obvious over Fox. Claims 1, 6, 16, 21 and 26 were rejected as either anticipated or obvious over Tanaka. The grounds of the rejection is set forth in paragraphs 14-19 of the outstanding Office Action. The art rejection is respectfully traversed.

Initially, it should be noted that the subject matter of claims 7-10 was not rejected over prior art. To expedite prosecution, claims 3-5, 22-25 and 27-30 have been amended to include the subject matter of former claims 7-10. Accordingly, the art rejection of such claims having been met, should be withdrawn.

Claims 1, 21 and 26 were amended to include the subject matter of claim 6 and to further add that one of Z11 to Z15 in formula (1) is a substituted or unsubstituted dibenzothiophenylene. The subject matter in claim 6 which has been added to claims 1, 21 and 26 was not rejected over Fox. Accordingly, the rejections of such claims based on Fox has been obviated.

With regard to the rejection based on Tanaka '179, it should be understood that the reference fails to disclose a charge transporting material in which one of Z11-Z15 in formula (1) is a substituted or unsubstituted dibenzothiophenylene.

Further, Tanaka qualifies as prior art only under Rule 102(e). For the record, Applicants state that the invention claimed in the present application and in Tanaka were, at the time of the invention was made, subject to an obligation of Assignment to Canon Kabushiki Kaisha. Accordingly, Tanaka is disqualified as prior art under Rule 102(e)/103.

New claims 31-35 correspond to original claims 1, 2, 4 and 5, together with the subject matter of claims 11, 12, 13, 14 and 15, respectively.

The Examiner had rejected claims 11-15 as being obvious over Fox '496. The Examiner argued that Fox does not explicitly disclose that the polymeric composition includes 100% by weight of the polyarylamine compound of the present claims. However, the charge-transporting materials disclosed by Fox are polymers of triphenylamines. These compounds are polytriphenylamines. As is well known and understood in the art, a polymer is typically a mixture of chains having different molecular weights. The range of molecular weights is generally a bell-shaped curve in which very low to very high molecular weights are present with one or more rounded peaks present where an average molecular weight can be calculated.

In Fox, it would be understood that a mixture of materials having a broad spectrum of molecular weights is present, rather than a polymeric material having a specific molecular weight. Accordingly, the invention of claims 31-35 in which a charge transporting material having a molecular weight from 1,500 to 4,000 is present in a proportion of 100% by weight based on the total weight of the charge transporting material could not be deemed to be present in Fox.

Wherefore, it is submitted that none of the references, whether considered alone or in combination, discloses or suggests the present claimed invention nor renders it unpatentable.

Accordingly, it is respectfully requested that the claims be allowed and that the case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter Saxon", written in black ink.

Attorney for Applicants
Peter Saxon
Registration No. 24,947

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 468941v1